



News Release

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State appeals court ruling on access to medications in *Stormans v. Selecky*

Asserts Board of Pharmacy access to medications rules apply to all time-sensitive medications

OLYMPIA — The Washington State Department of Health and the state Board of Pharmacy have filed an appeal, challenging portions of the February federal court ruling on access to medications. The state specifically asks the Ninth Circuit Court of Appeals to overturn the trial court's ruling that Washington's access to medication rules target religious opposition to certain medications.

Attorneys for the state emphasize that the Board of Pharmacy rules apply to all valid prescriptions and behind-the-counter medications in stock. Under the rules, pharmacies must deliver these medications in a timely fashion. The plaintiffs in the suit cited religious opposition to emergency contraceptive products such as Plan B and *ella*.

The appeal challenges the trial court's conclusion that the board's rules single out emergency contraceptives and target only licensees with religious objections to delivering those products.

The Board of Pharmacy approved the rules in 2007 in an attempt to ensure all Washington residents have timely access to the medications they need when they need them. The board's rule requiring pharmacies to stock a representative assortment of medications necessary to meet the needs of the pharmacy's patients has been in effect for more than 40 years. Pharmacies are responsible for ensuring timely delivery of the medications for their patients. If an individual pharmacist will not fill a prescription, the pharmacy owner must have a plan to assure that the patient has timely access to the medication on-site.

The rules assure that patients will be treated in a dignified, respectful manner even if a pharmacy is unable to fill a prescription. The rules were adopted by the Board of Pharmacy after a lengthy public hearing process that included more than 21,000 written comments.

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